

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

ELIZABETH SINES ET AL.	:	Case No. 3:17-CV-72
Plaintiff	:	Judge MOON
	:	
-v-	:	
JASON KESSLER ET AL.	:	
Defendants	:	

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**BRIEF IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL**

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In support of their motion to withdraw Counsel state as follows:

1. Defendants Ray and Heimbach are each in breach of their contractual obligation to pay attorney fees.
2. Each defendant was contacted and expressed either an inability or an unwillingness to pay the amounts due.

3. Undersigned are no longer willing to represent defendants Ray or Heimbach.
4. The Court denied without prejudice a previous motion to withdraw and ordered undersigned Counsel to complete certain tasks for the above named defendants before withdrawing. Those tasks have been completed.

Wherefore, Undersigned attorneys request permission to withdraw as Trial Attorneys for Robert Ray and Matthew Heimbach.

Respectfully Submitted,

s/ **Elmer Woodard**  
ELMER WOODARD (VSB 27734)

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*Trial Attorney for Defendant*

**S/ James E. Kolenich (PHV)**  
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Trial Attorney for Mr. Kline

**CERTIFICATE OF SERVICE**

I hereby certify this Notice and all accompanying documents were served via the Court's ECF system on November 5, 2018 upon:

All parties of record. No party is entitled to or has requested service by other means except as listed below:

Mr. Ray and Mr. Heimbach were each served via e-mail at

REDACTED.

**s/ James Kolenich**

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J. Kolenich(PHV)